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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,439	12/21/2000	James A. Riosa	END920000047US	8420

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John R. Pivnichny
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Endicott, NY 13760

EXAMINER

BULLOCK JR, LEWIS ALEXANDER

ART UNIT	PAPER NUMBER
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2126

8

DATE MAILED: 07/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/747,439

Applicant(s)

RIOS A ET AL.

Examiner

Lewis A. Bullock, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-100 is/are pending in the application.
- 4a) Of the above claim(s) 26-46, 59-73 and 86-100 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-25, 47-58 and 74-85 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. <u>06/18/04</u> . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-25, 47-58 and 74-85 are, drawn to generating of event management rules in a distributed environment, classified in class 719, subclass 318.
- II. Claims 26-46, 59-73, and 86-100 are, drawn to generating a class definition from an event relationship network, classified in class 717, subclass 108.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions Group I and Group II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the combination generates a plurality of event management rules for each event type automatically from the event relationship network rules and does not set forth that the hierarchical class definition structure is generated by determining branch points in the connected graph and processing accordingly. The subcombination has separate utility such as generating a class definition by determining whether a branch point has been reached and processing accordingly.

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3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, different search, and recognized divergent subject matter, restriction for examination purposes as indicated is proper.

4. During a telephone conversation with John Pivnichny on June 4, 2004 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-25, 47-58 and 74-85. Affirmation of this election must be made by applicant in replying to this Office action. Claims 26-46, 59-73 and 86-100 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-25, 47-58 and 74-85 are rejected under 35 U.S.C. 103(a) as being unpatentable over “Event Relationship Network: A Framework for Action Oriented Analysis in Event Management” by “THOENEN et al.

As to claim 1, THOENEN teaches a method for the automated implementation of a hierarchical event relationship network (ERN) for correlation analysis in a distributed computing environment, comprising the acts of: inputting event handling information for each event (events) to be monitored (via taking inventory of events) (pg. 8, 6th – 8th paragraphs); customizing a plurality of rule templates (document event processing policies) for each event type within an event source (pg. 9, 1st paragraph – pg. 10, 2nd paragraph); generating a hierarchical class definition structure and naming structure (event class objects / directed acyclic graph) from the plurality of event relationship network rules (ERN) for each event source (via ERN analysis) (pg. 5, 3rd – pg. 6, 3rd paragraph, “Once an ERN is constructed, it is relatively simple to create the associated correlation rules...it is desirable to provide nested structures of ERNs.”); and generating a plurality of event management rules (correlation rules) for each event type automatically from the event relationship network rules (ERNs) and the rule templates (pg. 13, 3rd paragraph, “Once ERNs are constructed, they must then be translated into correlation rules.”). However, THOENEN does not mention the step of verifying that the rules do not violate an event protocol. It is obvious to one skilled in the art at the time of the invention that since the event management implementation of THOENEN are standardized (pg. 11, 2nd – 3rd paragraphs) that the rules are verified by the user or the during the automated generation to not violate the event protocol.

As to claims 2 and 3, THOENEN teaches a rule-based event manager (enterprise event manager) for handling of events in the distributed computing environment (pg. 10, 3rd – 6th paragraph, "Such events are forwarded to the enterprise event manager."). It would be obvious that since the event manager sends the event to the proper event processing rule that the event rules are loaded to the event manager for analyzing them against the received event.

As to claim 4, THOENEN teaches the event sources include a hardware device (router) (pg. 3, 7th paragraph, "Consider a Cisco router."; pg. 8, 2nd paragraph, "Example of event sources include: UNIX servers, NT servers, NetWare Servers, hubs, routers, ATM switches, UPS systems, applications, web servers, and databases.").

As to claims 5-7 and 22, THOENEN teaches the event relationship network includes a series of drawing pages (workbook) that depict subsets of correlation relationships (pg. 8, "6th – 8th paragraph, "This is accomplished by having a workbook (usually based upon a spreadsheet application) for each event source with a description of events emitted by that source."... "Although this is contained in a spreadsheet, this is actually a highly customized application that employs extensive database capabilities to represent relationship between events.").

As to claim 8, THOENEN teaches the events are defined based on a connected graph model (pg. 4, 7th paragraph, "An ERN is a directed acyclic graph. Nodes are events and are labeled with one of the roles just described.").

As to claims 9-13, 23 and 24, "Official Notice" is taken in that the Basic Recording of Objects in C (BAROC) files are well known in the art and therefore would be obvious in view of THOENEN.

As to claims 14-21, THOENEN teaches a plurality of rule sets (rules) to handle each event, the rule sets (rules) including duplicate detection and trouble ticketing, autonomous events, primary events (primary events), primary/secondary events (primary/secondary events), secondary events (secondary events) and clearing events (clearing events) (pg. 4, 3rd paragraph – pg. 5, 1st paragraph; pg. 5, 3rd paragraph – pg. 6, 2nd paragraph) (pg. 4, 8th paragraph – pg. 5, 1st paragraph), "To this end, actions are associated with events based on their role in an incident. Typically primary events initiate a response (e.g. opening a trouble ticket), and clearing events terminate the response (e.g. closing a trouble ticket). Secondary events, if they have associated actions, complement what the primary event has done (e.g. append to the trouble ticket).").

As to claim 25, THEONEN teaches adding, modifying, and deleting rule actions and commands to perform the event management behavior specified by an end user

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(subject matter experts) (pg. 10, 2nd paragraph, "With the policy framework in hand, the next step is to make decisions about individual events... This activity requires the involvement of subject matter experts who understand the event sources and their semantics."; pg. 14, "4th – 6th paragraph, "Last, note that the above scheme allows us to think in terms of ERNs, both for initial ERN construction and when modifications and extensions are done."... "Although these modifications were extensive, they ewere easily incorporated into the ERNs and translated into Prolog rules.").

As to claims 47-58, reference is made to a computer readable medium that corresponds to the method of claims 1-25 and is therefore met by the rejection of claims 1-25 above.

As to claims 74-85, reference is made to a system that corresponds to the method of claims 1-26 and is therefore met by the rejection of claims 1-26 above.

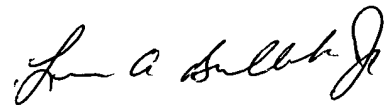
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis A. Bullock, Jr. whose telephone number is (703) 305-0439. The examiner can normally be reached on Monday-Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng An can be reached on (703) 305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

6/22/04

A handwritten signature in black ink, appearing to read "L. A. Bullock Jr.", is located in the lower right quadrant of the page.